

REMARKS

Applicants submit this Response in reply to the Office Action mailed on January 30, 2007, and in accordance with the telephone interview granted to Applicants' representatives on April 5, 2007. Claims 1, 9, 10, 12, 20, 21, 23, 25, 26, 28, 29 and 31 have been amended. No new matter was added by these amendments.

A Request for Continued Examination is submitted herewith. Please charge Deposit Account No. 02-1818 for the Request for Continued Examination and any other fees which are due in association with this Response.

The Examiner has not initialed that she considered AU-B-74936/87 on the INFORMATION DISCLOSURE STATEMENT BY APPLICANT received by the PTO on June 14, 2006. Applicants respectfully request the Examiner to consider this reference in connection with this application. If the Examiner requires another copy of this reference, Applicants respectfully request that the Examiner contact the undersigned.

The Office Action rejected Claims 1, 3, 4, 7, 8, 12, 14, 15, 18, 19, 23 and 25 under 35 U.S.C. § 102(b) as being anticipated by Osawa (U.S. 6,857,958). Applicants respectfully disagree with these rejections. However, Applicants have amended certain claims to clarify the existing claim elements and to place the claims in condition for allowance.

Osawa discloses a gaming machine having a primary game and a secondary game. The primary game is a slot-type game including a plurality of reels. The reels include a plurality of symbols. A player causes the reels to spin. The reels stop, resulting in a combination of symbols comprising an outcome.

The secondary game includes a secondary game display. The generation of a designated outcome in the primary game causes the gaming machine to display a symbol corresponding to that designated outcome on the secondary game display. For example, as seen in Fig. 5, the generation of three sevens on a payline in the primary game causes the gaming machine to display a seven on the secondary game display. The gaming machine provides the player with an award when a designated number of a respective symbol are displayed either in a certain direction or at certain predetermined positions on the secondary game display. For example, as seen in Fig. 9, the gaming

machine provides the player with an award when thirteen "3BAR" symbols are displayed on the secondary game display.

The gaming device of independent Claim 1 includes at least one replicator symbol, wherein the at least one replicator symbol includes at least two of the same symbols at a single symbol position on the reels wherein each of the same symbols of the at least one replicator symbol functions as an individual symbol for evaluation purposes when determining whether a symbol combination including said replicator symbol is one of a plurality of winning symbol combinations.

Claim 1 is directed to a gaming device controlled by a processor including at least one predetermined winning symbol combination of said plurality of winning symbol combinations including at least one of a plurality of first symbols, wherein the predetermined winning symbol combination occurs in a predetermined number of symbol positions and is associated with an award and at least one additional winning symbol combination of said plurality of winning symbol combinations including at least one replicator symbol and at least one of the plurality of first symbols, wherein the additional winning symbol combination is also associated with the award and occurs in fewer symbol positions than the predetermined number of symbol positions.

Applicants' representatives and the Examiner discussed the scope of Osawa during the April 5, 2007 interview. Applicants' representatives observed that there is some uncertainty as to the scope of Osawa and its teachings, particularly the language cited in the Office Action. Applicants believe they have properly explained this language in the arguments herein. During the interview, Applicants' representatives perceived there was some confusion as to use of the term "first outcome" in Claims 1 and 23, as opposed to the term "award" in Claim 13. Applicants have amended Claims 1, 12 and 23, along with certain dependent Claims in order to clarify this and other existing elements of the gaming devices of amended Claims 1, 12 and 23.

The Office Action refers to column 14, lines 7 to 11 of Osawa which states:

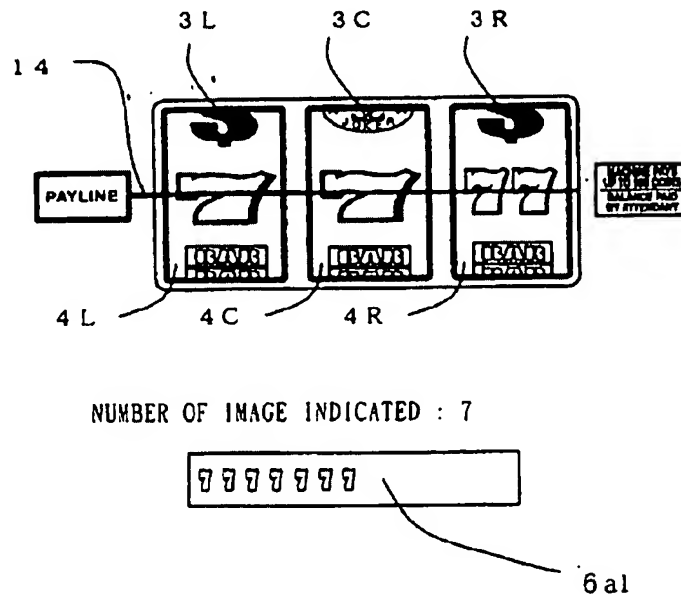
In addition, each symbol of "double 2BAR," "triple 3BAR," and "double 7" may be determined so as to generate an allotment corresponding a win in the principal game when a predetermined combination of *the symbol* with the other symbols is appeared in the principal game, though each symbol was determined to have no relation to a win of the principal game in the above-mentioned example. (Emphasis added).

Osawa does not disclose a replicator symbol, wherein the replicator symbol includes at least two of the same symbols at a single symbol position on the reels wherein each of the same symbols of the replicator symbol functions as an individual symbol for evaluation purposes when determining whether a symbol combination including said replicator symbol is one of a plurality of winning symbol combinations.

Osawa appears to merely suggest the prospect of utilizing *the* "double 2BAR," "triple 3BAR," or "double 7" symbols (note that the caption does not refer to symbols) in a winning symbol combination in the primary game. In view of the above-emphasized language, Applicants believe that Osawa is referring to "double 2BAR," for example, as an independent symbol in combination with other symbols, not as two BAR symbols in combination with other symbols.

Applicants wish to draw the Examiner's attention to the description related to Figure 18 (seen below), which reads as follows:

In FIG. 18, a pattern of "7-7-double 7" is displayed on winning line 14 in display windows 3L, 3C, 3R . . . In this case, seven symbol images of "7" are indicated at once in display area 6a1 of symbol image display portion 6a. If on winning line 14 would be arranged a combination of "7" images including two or more images of "double 7," the symbol image of "7" is displayed 7 times the number of "double 7" symbol standing on winning line 14. (Column 13, lines 56 to 67)



In the above section, Osawa refers to “double 7” as an independent symbol (not two sevens) which triggers the display of seven “7” symbols in the secondary game display each time it is generated on the payline. Osawa does not suggest that the generation of “7-7-double 7” is equivalent to the generation of “7-7-7-7” for purposes of outcome evaluation. For at least this reason, Osawa does not anticipate independent Claim 1 and the claims depending therefrom.

Even if Osawa did disclose the use of each “7” in “double-7” as an individual symbol in a winning combination, Osawa does not disclose a predetermined winning symbol combination associated with an award including a plurality of first symbols and an additional winning symbol combination including at least one of the first symbols and at least one replicator symbol also associated with the award. For this reason, Osawa does not anticipate Claim 1 and the claims depending therefrom.

The gaming device of Claim 1 includes a processor programmed to: (a) activate the reels to generate a plurality of the symbols at the plurality of symbol positions on the reels; (b) determine if either of the predetermined winning symbol combination or the additional winning symbol combination is generated on the reels; and (c) provide the award to the player if either of the predetermined winning symbol combination or the additional winning symbol combination is generated on the reels.

The Office Action refers to column 7, lines 17 to 67 of Osawa as disclosing a processor as programmed in Claim 1. Osawa discloses a microcomputer including a

CPU. Fig. 5 is a flowchart illustrating the procedure executed by the CPU in executing the primary and secondary games. Osawa does not disclose a processor programmed to determine if either of a predetermined winning symbol combination or an additional winning symbol combination is generated on the reels and provide an award to a player if either of the predetermined winning symbol combination or the additional winning symbol combination is generated on the reels. For this reason, Osawa does not anticipate Claim 1 and the claims depending therefrom.

For the same reasons, Applicants submit that Osawa does not disclose the features of independent Claim 12 or method Claim 23. Accordingly, Applicants respectfully submit that in view of the foregoing, Claims 1, 12, 23 and the claims depending therefrom are not anticipated by Osawa and stand in condition for formal allowance.

The Office Action rejected Claims 5, 6, 9 to 11, 16, 17, 20 to 22, 26 and 28 to 32 under 35 U.S.C. § 103(a) as being unpatentable over Osawa in view of Kaminkow (US 6,905,406). In view of the patentability of Claims 1, 12 and 23, Applicants respectfully submit that the combination of Osawa and Kaminkow does not render obvious dependent Claims 5, 6, 9 to 11, 16, 17, 20 to 22, 26 and 28 to 32, and that these Claims stand in condition for formal allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Adam H. Masia
Reg. No. 35,602
Cust. No. 29159

Dated: April 30, 2007